



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

No.: 09/623,926
Applicant(s): J. Porret, et al.
Filed: February 26, 2001
TC/A.U.: 3727
Examiner: Jes F. Pascua

Confirmation No. 1815

RECEIVED
MAR 0 8 2004
OFFICE OF PETITIONS

TECHNOLOGY CENTER R3700

MAR 1 5 2004

RECEIVED

*#11/4pr
4-204
Ret re
Aband*

Docket No.: P-4284
Customer No.:

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION UNDER 37 CFR §1.181 FOR
WITHDRAWAL OF ABANDONMENT**

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: COMMISSIONER OF PATENTS, P.O. BOX 1450, ARLINGTON, VA 22313-1450	
ON:	March 2, 2004
BY:	Donna Baumann
<i>Donna M Baumann</i>	3-2-04
(SIGNATURE)	(DATE)

Sir:

Applicants respectfully petition the Commissioner for Patents that the abandonment set forth in the notice mailed by the U.S. Patent and Trademark Office ("USPTO") on November 28, 2003 be withdrawn.

Submitted herewith are the following documents:

1. A copy of the Amendment, Certificate of Transmission and Facsimile Cover Sheet filed with the USPTO via facsimile on July 23, 2003 (9 pages); and
2. A copy of the Auto-Reply Facsimile Transmission received from the USPTO on July 23, 2003 (1 page).

Accordingly, applicants respectfully submit that a response to the Office Action mailed by the USPTO on April 23, 2003 was timely filed. Applicants further respectfully request that the Notice of Abandonment be withdrawn and that the USPTO proceed with further examination

03/05/2004 CKGUYEN 00000121 021666 09623936

01 FC:1460 130.00 DA

#75324 v1 - P-4284 - Petition for Withdrawal of Abandonment

Application Serial No.: 02-23,926
Petition Dated March 2, 2004
Reply To Notice of Abandonment of November 28, 2003

of the subject application on the basis of the attached copy of the response filed by applicants on July 23, 2003.

Applicants hereby authorize the Commissioner to charge the Petition Fee \$130.00 believed by applicants to be due under 37 C.F.R. §1.17(h) in connection with this Petition, and any other fees which may be required, or credit any overpayment due in connection with the present application to Deposit Account No. 02-1666.

As no defect exists in applicants' previous submission, a refund of the petition fee submitted herewith is respectfully requested.

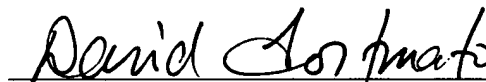
In addition, acknowledgement of the active status of this application is respectfully requested.

Any questions concerning this application or amendment may be directed to the undersigned agent of applicant.

Respectfully submitted,

Dated: March 2, 2004

By:



David M. Fortunato
Attorney for Applicant(s)
Reg. No. 42,548
(201) 847-6940

TO: Auto-reply fax to 201 847 7008 COMPANY:



Auto-Reply Facsimile Transmission

RECEIVED

MAR 08 2004

OFFICE OF PETITIONS



UNITED STATES
PATENT AND
TRADEMARK OFFICE

TO:

Fax Sender at 201 847 7008

Fax Information

Date Received:

7/23/03 11:55:53 AM [Eastern Daylight Time]

Total Pages:

9 (including cover page)

ADVISORY: This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

Received
Cover
Page
=====>

07/23/03 11:55 FAX 201 847 7008	RI Intel Propriety Dept.	001-008
Law Department 1 Boston Drive Franklin Lakes, New Jersey 07417 Tel: 201-847-6940 Fax: 201-848-9228 David_Fortunato@bd.com		
BD Helping all people live healthy lives		
Fax		
Attention:	Examiner Jes F. Pascua	
Company:	United States Patent and Trademark Office	
Fax number:	(703) 872-9303	
From:	David M. Fortunato, Esq.	
Date:	July 23, 2003	
Number of Pages (including this cover):	7	
If you do not receive all of the pages, please call: Lorraine Kowalchuk 201-847-6455		
The following documents are attached to this facsimile:		
1. Certificate of Transmission By Facsimile Pursuant To 37 CFR 1.6(d); and 2. Amendment Responsive To April 23, 2003 Office Action.		
Confidential The pages accompanying this transmission contain or may contain information from BD (Becton, Dickinson and Company) which is confidential, proprietary and/or legally privileged. The information is intended only for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or taking of any action in reliance on the contents of this transmission is strictly prohibited, and the pages received by you are to be destroyed immediately. In this regard, please notify the sender of this transmission that you have received the transmission in error and have destroyed the pages sent. If you do not receive all of the pages, please call as soon as possible, via direct fax line indicated above or by telephone to the sender indicated above. Becton, Dickinson and Company 3000 N. Zeeb Road, #101, Ex. 100 Smithville, MO 63541		
Received from - 201 847 7008 - at 7/23/03 11:56:53 AM [Eastern Daylight Time]		

RECEIVED

MAR 15 2004

TECHNOLOGY CENTER R3700